



## MEMORANDUM

DATE: September 6, 1995

ADMIN RECORD

5400.1

TO: L.E. Woods, Kaiser-Hill, Bldg. T130B, X3378

FROM:  J.D. Krause, Ecology Team, Bldg. T130H, X3363

SUBJECT: INTERPRETATION OF THE PREBLE'S MEADOW JUMPING MOUSE INTERIM POLICY, REV 4.O-JDK-006-95

The RMRS Ecology Team received direction from Kaiser-Hill to implement the Preble's Meadow Jumping Mouse (PMJM) Interim Policy, Rev 4, on July 25, 1995. In short, the DOE, RFFO policy states that project impacts to PMJM must be assessed when the project work area falls within "Essential Habitat", "Essential Habitat Extension" or "Probable Habitat." These habitat designations have been proposed by DOE, RFFO. The project assessment is conducted by the "DOE contractor's ecology specialists." The policy establishes a two week review period for the "DOE, RFFO Endangered Species Act Coordinator" before the project can move forward.

This policy applies to all DOE activities and all DOE subcontractor activities, especially those projects with outdoor operations in the Site Buffer Zone. Any activity at the Site which is not a DOE activity (i.e., a third party activity such as the Jefferson County quarry operations) is exempted from this policy.

It is our understanding that the DOE/RFFO ESA Coordinator is Bob April of the Environmental Guidance Division. Additionally, it is our assumption that the "DOE contractor's ecology specialists" are personnel of the RMRS Ecology Team, although DOE's contractor is Kaiser-Hill. This includes the person designated as the PMJM expert for RMRS, Thomas R. Ryon and additional personnel with extensive experience with the PMJM.

According to the interim policy, project activities will be permitted in "Essential Habitat" or in "Essential Habitat Extension" (the two designations are treated the same) only when the activities are designed to study the PMJM, required to protect or enhance natural resource values including PMJM habitat, or is an activity expressly required by regulatory direction or agreement such as Interagency Agreements for CERCLA cleanup. The RMRS expert for PMJM will review and approve or disapprove projects in Essential Habitat. The RMRS expert for PMJM will provide notification of approved or disapproved projects to the ESA coordinator either in writing or verbally within two weeks prior to the commencement of the work. Verbal notification will be followed by written documentation. RMRS ecologists will always provide written notification of project decisions. The DOE/RFFO ESA Coordinator will then approve or disapprove of the RMRS project finding. It is the responsibility of the DOE Environmental Guidance Division, along with Kaiser-Hill to contact and/or coordinate with the U.S. Fish and Wildlife Service as needed.

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A-SW-002158

The procedure for Identification and Protection of Threatened, Endangered, and Special-Concern Species (T&E Procedure, 1-D06-EPR-END.03, January 14, 1994) is being implemented for the PMJM. The species receives protection at the site through verbal guidance and this interim policy. PMJM is also a Colorado Species of Special Concern as defined by the Colorado Nongame, Threatened, and Endangered Species Conservation Act. This procedure puts the burden of notifying the RMRS T&E Procedure Coordinator, Marcia B. Murdock, regarding project activities on the project manager. The manager becomes aware of the procedure through the environmental checklist for NEPA related activities or through the readiness review checklist for CERCLA and RCRA related activities. Engineering Procedure 2-L92-COEM-PMG-302, Introduction to Quality, Environmental, Davis-Bacon, Security, and Safety and Health Documentation also calls out a specific step for notification of the Ecology Team for a site specific survey. A site specific survey will be conducted by the RMRS T&E Procedure Coordinator. If the work area has been identified as impacting either "Essential Habitat", "Essential Habitat Extension", or "Probable Habitat", the RMRS Expert for PMJM will be notified to assess project impacts to PMJM. The project manager will be notified in writing of the assessment findings. The RMRS Expert for PMJM will notify the Kaiser-Hill Ecologist who in turn will notify DOE/RFFO ESA Coordinator of assessment findings or direct RMRS Expert for PMJM to notify DOE. It is our understanding that DOE will then direct questions to the RMRS Expert for PMJM to resolve questions on the project.

All project activities outside of "Essential Habitat", "Essential Habitat Extension", or "Probable Habitat" are permitted without restriction under this policy, but are still subject to review under the T&E Procedure and the Migratory Bird Evaluation and Protection Procedure (Migratory Bird Procedure, 1-G98-EPR-END.04, April 19, 1994).

Finally, DOE reserves the right to coordinate with the U.S. Fish and Wildlife Service regarding any activity in any of the habitat designations. DOE also reserves the right to provide any information to the U.S. Fish and Wildlife Service regarding actual or proposed activities of third parties conducting work on the Site or activities adjacent to the Site.

RMRS ecologists request a session with the DOE, RFFO Environmental Guidance Division to amend the habitat designation map with new information on an annual basis.

TRR:trr

cc:

C.S. Evans

M.M. Fink

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M.B. Murdock

File

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